THE HYDERABAD LAND IMPROVEMENT ACT, 1953.

No. XIX of 1953.

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*THE HYDERABAD LAND IMPROVEMENT ACT, 1953.

No. XIX OF 1953.

An Act to ensure proper utilisation of land and to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to ensure proper utilisation of land and to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil, erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the state of Hyderabad.

IT is hereby enacted as follows: –

CHAPTER I.

Preliminary.

Short title, extent and commencement

1. (1) This Act may be called the Hyderabad Land Improvement Act, 1953.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force in such areas and on such dates as the Government may by notification in the Jarida appoint in this behalf

Definitions.

2. (1) In the Act, unless there is anything repugnant in the subject or context,—

(*a*) "Board" means the Hyderabad Land Improvement Board constituted under section 3;

(*b*) "Chairman" means the Chairman of the Board;

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(*c*) Committee" means the Land Improvement Committee constituted under section 4 ;

(*d*) "Executing Officer" means the Chairman of the Committee who is required under sub-section (1) of section 8 to execute the Scheme.

(*e*) "Member" means a Member of the Board ;

(*f*) " Owner " includes an owner of land in severality, in common or joint, an occupant, a pattedar, a shikmidar, a tenant who is deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950 or a mortgagee in possession ;

(*g*) "Prescribed" means prescribed by rules made under this Act ;

(*h*) "Scheme" means a land improvement scheme prepared under this Act ;

(*i*) "Secretary" means an Officer appointed by the Board to act as such for transacting the business of the Board.

(2) Words and expressions used in this Act but not defined shall have the meanings assigned to them in the Hyderabad Land Revenue Act (VIII of 1317 F.)

CHAPTER II.

Constitution of the Board and Preparation of Land Improvement Schemes.

Constitution of the Board.

3. (1) The Government may, for the purpose of carrying out provisions of this Act, constitute for the State of Hyderabad a Board called the Hyderabad Land Improvement Board consisting of :—

(*i*) a Member of the Board of Revenue who shall be the Chairman of the Board, and

(*ii*) the Chief Engineer for Irrigation,

(*iii*) the Chief Conservator of Forests,

(*iv*) the Dirtector of Agriculture, and

(*v*) three persons elected by the Hyderabad Legislative Assembly who shall be the members of the Board.

(2) The Government may, from time to time, on the advice of the Board, co-opt any other person to be a member of the Board for such period as the Government thinks fit.

(3) If there is a difference of opinion amongst the members of the Board regarding any question under the provisions of this Act, decision of the majority of members shall prevail :

Provided that when their opinion is equally divided the Chairman shall have a casting vote.

(4) All communications and orders of the Board shall be issued by the Secretary.

Power of Board to direct preparation of Land Improvement Schemes.

4. (1) The Board May direct the preparation of a scheme for any area within its jurisdiction to make provision for any one or more of the following matters :—

(*i*) reclamation of waste, saline or water-logged land ;

(*ii*) maintenance and improvement of soil fertility ;

(*iii*) prevention of erosion of soil ;

(*iv*) making dry lands suitable for irrigation ;

(*v*) fixing of zones for different types of irrigation ;

(*vi*) introduction of drv farming or mixed farm methods of cultivation ;

(*vii*) improvement in the methods of cultivation ;

(*viii*) prohibition or control of grazing or reservation of lands for pasture ;

(*ix*) planting and maintenance of trees and control of tree growth ;

(*x*) such other matters consistent with the objects of this Act as may be prescribed.

(2) On the issue of a direction under the provisions of sub-section (1), the Board shall constitute a land improvement committee to prepare, in accordance with such instructions as it may issue, a draft scheme containing the following particulars :—

(*i*) the object of the scheme ;

(*ii*) the approximate area of the lands to be included in the scheme ;

(*iii*) the work or kind of work to be carried out under the scheme ;

(*iv*) the agency or agencies through which the work shall be carried out ;

(*v*) such other particulars as may be prescribed.

(3) The committee shall constist of : (*i*) an Officer of the Government ; (*ii*) a person nominated by the Board from amongst the persons whose interests, in the opinion of the Board, may be affected by this scheme ; and (*iii*) a person having special knowledge of the subject matter of the scheme :

Provided that the Chairman may co-opt with the approval of the Collector, two agriculturists of the area concerned if the scheme relates to agricultural improvements.

Publication of the Scheme and inviting objections and enquiry and report.

5. (1) The draft scheme prepared under section 4 shall be forwarded to the Collector, who shall publish the scheme in the Jarida in the village and at the head-quarters of the taluq and district in which the lands proposed to be included in the scheme are situated.

(2) The Collector shall, while publishing the scheme in the Jarida and in the village under sub-section (1), require all persons affected by the scheme who wish to make objections to the scheme or part thereof to submit, within 30 days of the publication of the scheme in the Jarida or in the village concerned, whichever is later, under the said sub-section, their objections in writing to the committee.

(3) On the date appointed or on such subsequent dates to which from time to time he may adjourn the hearing, the committee shall hear such objections as are made to them and consider all other objections duly submitted under sub-section (2) and submit their report together with the objections to the Collector.

(4) The committee may while submitting their report under sub-section (3) recommend any modifications which in their opinion are required to any of the particulars contained in the draft scheme.

Power of the Board to sanction scheme with or without modifications.

6. (1) After consideration of the objections and the report submitted under sub-section (3) of section 5 and of any further report which the Collector may require the Committee to submit, the Collector shall submit the scheme to the Board with his comments.

(2) The Board after consideration of the report may sanction the scheme with or without modifications or reject it :

Provided that if the owners of more than fifty per cent. of the area of the land included in the scheme, other than State lands have made objections to the scheme or part thereof, the Board shall submit the scheme to the Government for its orders. The Government may thereupon sanction it with or without modifications or reject it.

(3) The Scheme as sanctioned under sub-section (2) shall be published in the Jarida in the village and at the headquarters of the taluq and the district in which the lands included in the scheme are situate and shall on such publication come into force and be deemed final.

Power of the Board to make regulations.

7. For the purpose of carrying out the objects of the scheme which has come into force under section 6, the Board may make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters ancilliary or incidental to the scheme.

CHAPTER III.

Execution of the Scheme.

Power to enforce the scheme.

8. (1) After a scheme has come into force under section 6, the Board shall require the Chairman of the committee who shall be the Executing Officer to execute the same.

(2) Every owner of land included in the scheme shall pay the costs or part of the costs, as the case may be, of the works which under the scheme are carried out by the Government in his land at the cost or part of the cost of the owner.

(3) If the owner of the land included in the scheme desires to carry out himself any works which under the

scheme are to be carried out in his land by the Government at the cost or part of the cost of the owner, he shall give notice in writing to that effect to the committee within 30 days of the publication of the scheme in the Jarida under sub-section (3) of section 6 or in the village concerned, whichever is later.

(4) On receipt of such notice, the committee shall inform the owner of the works which are to be carried out in his land and fix a date before which the owner shall carry out the works.

(5) If such owner fails to carry out any work to the satisfaction of the committee before the date fixed, or at any time expresses in writing to the committee his inability to do so, the committee may ask the Chairman to get the work carried out and recover the expenses incurred from the owner in such manner as may be prescribed.

(6) Where the owner of land included in the scheme is the State, the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or by the Government, as the case may be, shall carry out the works which the State as the owner of the land is liable to carry out under the scheme.

Liabilities of persons whose lands are not included.

9. (1) If, in consequence of any work carried out under the scheme any person, including the state, other than the owner of the land in which the work is done, is likely to be benefited, such persons shall pay such amount to the owner of the lands as contribution as the Board may determine, if the work is carried out by the owner; or to the Government if the work has been carried out by committee :

Provided that the Board may excuse payment of such contribution whole or in part in respect of any work carried out in the land belonging to the State.

(2) The amount shall be paid within such time as may be specified by the Board. On failure of any person to pay the amount within the time specified, the Collector or any other Officer authorised by him in this behalf shall recover it from him and pay the same to the owner of the land in such manner as may be prescribed.

Government may carry out works in a scheme.

10. (1) Notwithstanding anything contained in this Act, the Government may in the case of any scheme which has come into force under section 6 direct that the work under the scheme to be carried out by the owners of the lands shall be carried out by the Government and that the cost of such work shall be recovered in whole or in part from the owner of the lands included in the scheme in such proportion as the Government may fix having regard to the area or assessment or both, of the lands included in the scheme.

(2) The cost directed to be recovered under sub-section (1), with interest at such rate as the Government may direct, shall be recoverable from the owners concerned in such number of annual instalments equated or otherwise, payable on the dates appointed for the payment of the first instalment of land revenue as may be prescribed.

CHAPTER IV.

Maintenance, repair and use of works carried out under the scheme.

Preparation of statement.

11. (1) The committee on completion of the work or part of the work prepare a statement giving for any specified area the following particulars :—

(a) (*i*) the work done ;

(*ii*) the cost thereof ;

(*iii*) the total amount to be recovered from the owners ;

(*iv*) the general rate per acre or per rupee of assessment per annum at which such amount shall be recovered from the owners ;

(*v*) the period within which such amount is to be recovered ;

(*vi*) the person or persons liable to maintain and repair the work ;

(b) if in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list

of such survey numbers or subdivisions and the rate at which the cost is to be recovered from the owner of such survey numbers or subdivisions;

(*c*) a map showing the work carried out in the village.

(*d*) such other matters as may be prescribed.

(2) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the Record of rights or where there is no Record of Rights, in such village record and in such manner as may be prescribed and shall thereupon form part of such Record of Rights or such Village Records.

Obligations of persons to maintain and repair works.

12. (1) Every person shown in the statement prepared under section 11 as liable to maintain and repair work shall, to the satisfaction of the Tahsildar, and within such time as the Said Officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(2) If any such person fails to maintain or repair the work within the time fixed by the Tahsildar under sub-section (1), the Tahsildar shall himself get the work executed or repaired and recover the cost thereof from such person.

CHAPTER V.

Miscellaneous.

Right of entry.

13. For the purpose of preparing, sanctioning or executing any scheme or repairing or maintaining any work under any scheme, any person authorised by the Board may, after giving such notice as may be prescribed, to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Amounts to be recoverable as arrears of land revenue.

14. All amounts due under the provisions of this Act shall be recoverable as arrears of land revenue.

Penalty.

15. Any person who contravenes or causes any contravention of any of the provisions of a scheme which

has come into force under section 6, or any regulation made under section 7, or does any act which causes damage to any of the works carried out under the scheme, or fails to fulfil any liability imposed on him under section 12 shall on conviction be punishable with fine which may extend to Rs. 50 or with simple imprisonment for a period which may extend to one month or with both.

Procedure and power at enquiries.

16. (1) Any authority empowered to make an inquiry under the Act shall make the inquiry in the manner provided for holding a summary inquiry under the Hyderabad Land Revenue Act (VIII of 1317 F.) and all the provisions contained in the said Act relating to the holding of a summary inquiry shall, so far as may be, apply.

(2) Such authority shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the Revenue Officers under the Hyderabad Land Revenue Act (VIII of 1317 F.).

Certain Officers to be public servants.

17. Any Officer duly authorised to perform any of the functions under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Protection of persons acting in good faith.

18. No suit, prosecution of other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

Registration of document plan or map in connection with land improvement scheme not required.

19. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan, or map prepared, made or sanctioned in connection with a scheme which has come into force.

(2) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act :

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

Power to delegate.

20. The Government, and subject to the control of the Government, the Board or the Collector may delegate to any officer any of the powers conferred on it or him by or under this Act.

Power of Hyderabad Government to direct preparation of scheme in certain circumstances.

20-A. (1) Notwithstanding anything contained in this Act, Hyderabad Government may direct the preparation of a Land Improvement Scheme providing for any of the matters specified in sub-section (1) of section 4 in any area in which the Government declares that a state of famine or scarcity prevails or in which in the opinion of the Government a state of famine or scarcity is likely to prevail.

(2) On such direction the committee appointed by the Government or Board, in this behalf shall prepare in accordance with such instructions as the Government or the Board may issue, a draft scheme containing the particulars specified in sub-section (2) of section 4 and submit it to the Government or the Board, as the case may be, for its approval.

(3) After the scheme is submitted to the Government or the Board for approval under sub-section (2) the provisions of sections 5 to 19 and the Rules made under section 21 shall, so far as they can be made applicable, apply in respect of such scheme.

Power to make rules.

21. (1) The Government may, by notification in the Jarida, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

(*a*) all matters to be prescribed under this Act ;

(*b*) the manner in which the rights and liabilities shown in the statements prepared under section 11 shall be entered in the Record of Rights or in Village Record ;

(c) the manner of giving notice where notice is to be given under this Act ;

(d) the number of annual instalments equated or otherwise payable under sub-section (2) of section 10.

22. The Improvement of Agricultural Land and Management of Irrigation Sources Regulation of 1353 Fasli is hereby repealed. Repeal.